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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,525	02/03/2001	Daniel W. Gentry	1720-2000	5222

7590 10/28/2004

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EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/776,525

Applicant(s)

GENTRY, DANIEL W.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The amendment filed 7/15/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In Claims 1 and 26 the limitation was added that the enclosure was for both shipping and receiving packages, and that the customer profile contains a first specified delivery service that delivers to the enclosure and a second specified delivery service for the pick-up of goods. The specification states that the enclosure can be used for both the delivery and pick-up of goods, however the specification on describes and details them as two separate embodiments. The specification lacks a description of how the customer profile has a first delivery service for the deposit of goods and a second delivery service for the pick-up of goods.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-12 and 26-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In Claims 1 and 26 the limitation was added that the enclosure was for both shipping and receiving packages, and that the customer profile contains a first specified delivery service that delivers to the enclosure and a second specified delivery service for the pick-up of goods. The specification states that the enclosure can be used for both the delivery and pick-up of goods, however the specification on describes and details them as two separate embodiments. The specification lacks a description of how the customer profile has a first delivery service for the deposit of goods and a second delivery service for the pick-up of goods.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. With respect to Claim 1: the phrase "receiving and shipping of goods at a customer having a location" is indefinite. It is unclear to the examiner as to what of the customer's is being shipped "at".

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-2, 4-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon (US 2001/0045449) in view of Stephens et al. (6,323,782).

9. With respect to Claims 1, 13 and 29: Shannon discloses the use of a tamper-proof enclosure (10a), having an opening controlled by a customer specified access code (see abstract and page 5, paragraph 0039). Shannon discloses the purchaser orders a good over the internet, where the carrier would then request delivery of a carrier, a temporary access code would be created by the purchases and then the invoice, along with the code would be transmitted to the commercial carrier, the carrier then delivers the order to the secure location where the access code is used to open the storage container (page 5, paragraph 0039). Shannon also discloses the code is created by the customer (Page 5, Paragraph 0039)

10. Shannon however fails to disclose that the System and enclosure can also be used for scheduling a pick-up of goods. Stephens discloses the use of an enclosure that is for the delivery and the retrieval of goods (See abstract, column 1, lines 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Shannon to have the enclosure be capable of being used for pick up of goods, in order to provide a location where a person or business can drop-off an item

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without having someone there to take possession of the item, and to have a lockable enclosure which has an enhanced security. (See Stephens, Column 5)

11. With respect to Claim 2: Shannon does not specifically say that purchaser information contains a name and address. However it is old and well known in the art that in order to make any sort of catalog, phone or Internet purchase, especially using a credit card, the customer must give his/her name and address as it exactly appears on the credit card and billing statement. Therefore it is obvious to one having ordinary skill in the art at the time the invention was made that the customer profile information of Shannon, includes the customer's name and address.

12. With respect to Claim 11, 17-19: Shannon discloses the locking device can be activated using an input device that uses infrared data. The examiner considers a device that sends data using infrared technology to be a remote device, due to the fact that infrared is a wireless data link. Therefore the examiner considers Shannon to disclose the use of a remote control.

13. With respect to Claim 14: See page 4, paragraph 0034.

14. With respect to Claims 15, 16 and 27: See Page 3, paragraph 0028.

15. With respect to Claim 20: Shannon discloses the storage device may either be free-standing or incorporated into any existing structure such as a bench, planter, statue or wall (see page 3, paragraph 27).

16. With respect to Claims 23 and 24: See Page 3, paragraph 0027.

17. With respect to Claim 25: Shannon discloses the storage box is used for goods that is shipped by a common carrier service, therefore is capable of receiving a large package through the mail and therefore functions as a mail box.

18. Claims 4-10, 12, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view of Stephens et al. in further view of Huxter (US 2002/0103663).

19. With respect to Claims 4-10, 18, 28 and 29: Shannon and Stephens, as disclosed above for Claims 1 and 26, disclose the use of a delivery storage box, with a transmitter that transmits status data, including a delivery confirmation, to a pager, or a PDA or a computer (See Shannon, page 3, paragraph 0028), but fails to specifically disclose the use of a router which sends the status information to the customer as well as the delivery company. Huxter discloses the use of a hub (1099) that receives status information then routes the information (341) to the customer, letting them know the delivery is ready for pickup, as well as sends the delivery confirmation (340) to the delivery company (see Figures 8, 10 and 10a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the status of the storage device of Shannon, to be sent to the hub/router where it is then sent to the customer as well as the delivery company, as disclosed by Huxter, in order to provide a delivery method that facilitates a secure process of delivering goods (See Huxter, page 2).

20. With respect to Claim 12: See Huxter Page 2, paragraph 0025.

21. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shannon in view Stephens in further view of Huang (4,520,350).

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22. Shannon and Stephens, as disclosed above for Claim 13, discloses the use of the tamper-proof enclosure, that is attached to structures such as a wall, planter, or bench, but fails to use a bolt and a flange to attach the box. Huang teaches that it is old and well known to use attachment means such as flanges and bolts to attach mailboxes to standing structures (14,16,18, column 2, lines 40-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the box of Shannon, be attached to the structures using a flange and/or bolts, as disclosed by Huang, due to the fact that it is old and well known in the art that bolts and flanges are used to attach one structure to another.

#### *Response to Arguments*

23. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

24. With respect to Applicant's argument that Shannon does not disclose a "customer-specified code: See Shannon, Page 5, Paragraph 0039.

25. With respect to Applicant's argument that Shannon does not disclose an internet-based application, See Title abstract and Page 5, Paragraph 0039.

#### *Conclusion*

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



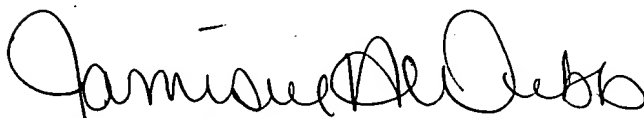
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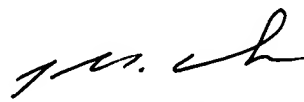
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

  
Jamisue Webb

  
JOHN G. WEISS  
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